

Docket 13DV-13913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
M.S. Lamphere et al
Application No.: 09/994,342
Confirmation No: 9845
Filed: 11/26/2001
Title: Tandem Blisk
Electrochemical Machining

Art Unit: 1742

Examiner: Wilkins, H.

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Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 CFR 1.181(a) to withdraw the holding of abandonment found in the office action dated 5/14/2004 for failing to reply to the Office letter mailed on 25 September 2003.

The following showing is being presented in accordance with MPEP 711.03(c) to support this Petition based on failure to receive the 9/25/2003 office action.

The undersigned attorney is a sole practitioner, and the only person handling docketing matters including receipt of mail correspondence, docketing thereof, file management, and

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this 4-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE

(Name of person transmitting paper)

(Signature of person transmitting paper)

18 MAY 2004

(Date)

Docket 13DV-13913

prosecution of such correspondence.

I state that I did not receive the 25 September 2003 Office letter identified in the 5/14/2003 office action; although I did receive that 5/14/2003 office action, as well as the preceding 8/12/2003 office action, for which an amendment response was timely filed by fax on 8/19/2003.

I attest to the fact that I have made a search of the file jacket (i.e. file folder) for the subject application filed under its 13DV-13913 docket number, and that the missing 9/25/03 office action is not contained therein.

I further attest to the fact I have searched my docket record where the nonreceived Office communication would have been entered had it been received, and that the 9/25/03 office action is not contained therein, and therefore was not received.

I further attest that in the last decade of solo practice, this matter appears to be the first instance of not receiving from the USPTO an official correspondence relating to a pending patent application in which a notice of abandonment has been made.

I further attest that it is a virtual certainty that I did not receive the missing office action and that it is practically impossible to have lost the missing office action after receipt, because all incoming business mail is handled solely by me, immediately placed on my work desk for further handling, and all office actions are promptly recorded manually in a sequential, master docket record - and then immediately placed in the file jacket (folder) therefor, and that file jacket is not returned to general file storage, but is instead placed in a conspicuous local storage on the credenza adjacent to my work desk until the office action is timely handled, after which time the file jacket is finally returned to general file storage in a file cabinet therefor.

Attached hereto is a copy of my docket record, which

Docket 13DV-13913

includes the complete listing of twenty-eight (28) office actions for the full year 2003, with listed items 28 and 29 being irrelevant.

The docket record has been redacted to remove confidential client information, fee, and work time (hour) information, which, again, does not appear relevant to this petition.

The docket record lists at No. 17 the first office action dated 8/12/03, and its response date of 8/19/03; and includes all received office actions through the end of the year 2003, including the three months following the 9/25/03 mailing date of the missing office action.

The docket record also list at No. 31 the next entry as being received on 3/1/04, which entry is crossed out, and moved to page 21 of the docket record as more accurately being the first received entry in 2004.

Accordingly, withdrawal of the Notice of Abandonment is warranted and is requested; and remailing of the missing 9/25/03 office action is requested.

Respectfully submitted,



Francis L. Conte
Registration No. 29,630
Attorney for Applicant

Date: 18 MAY 2004

6 Puritan Avenue
Swampscott, MA 01907
Tel: 781-592-9077
Fax: 781-592-4618

Attachment: Single page No. 20 "Amendments" (docket record)

AMENDMENTS

No.	Docket	Title/Serial No./Filed	X NETPLC	Date	Fee	Att.	Remarks
12/28/02	77	NCR 8570	09/70321Z 10/31/02	X NETPLC	12/4 R'	3 MAR 03	
	28	NCR 9264	09/871933 6/1/01		12/2 R'	24 FEB 03	
	79	21 NNC10	10/041863 10/22/01		12/19 R'	17 MAR 03	
	80	130U12618	See 18		12/16 R'	11 MAR 03	
			- 2003 -				
1	NCR 8778	See 58	MR	12/17A ²	93 MAR 03		
2	130U13981	09/932595 8/12/01		11/25 R'	27 MAR 03		
3	130U13074	09/902980 2/18/01		12/26 A ¹	24 MAR 03		
4	20 REPEx 72	10/001836 11/16/2001		1/17 A ¹	APR 02		
5	PLR 4438	09/966025 9/28/01 X		12/20 R'	17 MAR 03		
6	130U14203	10/028108 12/20/01		1/27 R'	5 FEB 03		
7	NCR 10056	See 62		2/27 F ²	3 MAR 03		
8	NCR 8778	See 58 + 1		3/27 F ³	27 MAR 03		
9	130U14203	See 6		4/2 A ¹	28 MAR 03		
10	21 NNC 20027	10/274653 10/21/02		5/7 A ¹	13 APR 03		
11	NCR 10448	10/206519 7/26/02		5/12 A ¹	22 JUN 03		
12	NCR 9817	09/938972 8/24/01 X		5/21 P ²	28 JUL 03		
6/12	13	130U14194	See 76	6/5 A ³	8 APR 03		
6/17	14	NCR 8778	See 8 + 14	X 6/6 F ⁴	23 JUL 03		
6/26	15	130U20185	10/345603 11/16/03	6/17 F ¹	8 AUG 03		
6/22	16	130U13529	See 7-2	6/18 A ³	14 MAR 03		
	17	130U13913	09/943342 11/26/01	8/12 R'	1 APR 03		
	18	130U14203	See 9	8/11 A ³	29 SEP 03		
	19	22 Nod 3	10/372551 3/21/03	8/21 A ¹	14 NOV 03		
	20	22 Nod 24	10/338528 11/08/03	8/26 R'	14 NOV 03		
10/24	21	NCR 10447	10/158653 5/31/02	10/7 R ¹	14 NOV 03		
10/29	22	NCR 8745	09/651978 11/13/00 X	10/7 R ¹	26 NOV 03		
10/24	23	130U14194	See 13	10/22 F ⁴	30 JUN 04		
11/3	24	130U3440	10/173009 6/17/02	10/29 A ¹	3 Dec 03		
11/3	25	NCR 8778	See 14 App'd Part 2002	X 10/22 F ⁵	19 DEC 03		
12/2	26	GF 125961	10/355810 01/30/03	12/4 A ¹	20 FEB 04		
12/18	27	130U14203	See 18	12/12 F ^Y	2 MAR 04		
11/17	28	23 GE 38					
	29	23 GE 29					
12/16	30	22 Nod 26	10/440933 5/15/03	12/17 A ¹	5 MAR 04		
5/1	31	PLR 8445	See 7-2 See 2004				
			Redacted				